

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARK A. FLETCHER,)	
)	
Petitioner,)	
)	1:13CV538
v.)	
)	
CARLTON B. JOYNER,)	
)	
Respondent.)	

ORDER

On August 8, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 14 and 15.) Petitioner objected to the Recommendation (Doc. 16), and the State of North Carolina filed a response (Doc. 17).

The court has reviewed the portions of the Magistrate Judge's report to which objection was made and has made a *de novo* determination, which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that Respondent's Motion for Summary Judgment (Doc. 4) is GRANTED, that the Petition (Doc. 1) is DENIED, and this action is DISMISSED. Petitioner's request for counsel is also DENIED. Finding neither a substantial issue for appeal concerning the denial of a constitutional right affecting the

conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

/s/ Thomas D. Schroeder
United States District Judge

September 9, 2014